

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

R.A., JR., etc.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 3:06cv337-WHA
	)	
DEPUTY SHERIFF WALTER LACEY,	)	
	)	
Defendant.	)	

**ORDER**

This case is before the court on Defendant's Third Motion in Limine (Doc. #61), filed on April 23, 2007, in which the Defendant seeks to prohibit introduction of any evidence concerning the Plaintiff's juvenile court proceeding, including the determination that the Plaintiff was not declared delinquent.

As with attorney's fees involved in that prosecution, this motion has merit because the only claim before the jury will be one of excessive force, not of malicious prosecution. The only issue as to liability is whether the Defendant used excessive force on the occasion complained of. The juvenile court proceeding and its outcome is not probative of that issue. Even if it were, there are differing standards of proof from this case involved in the other proceeding, which could result in jury confusion and undue prejudice. The issue of excessive force will be determined by the testimony of witnesses as to what happened on the occasion complained of. To go into what happened after that, when charges were filed, why, and what happened with them, would inevitably result in a trial within a trial, injecting a claim (malicious prosecution), which has already been disposed of by summary judgment. Therefore, it is hereby

ORDERED that the motion is GRANTED, and the Plaintiff is prohibited from referring to or introducing evidence concerning the Plaintiff's juvenile court proceeding.

DONE this 21st day of May, 2007.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE